

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

United States of America)

v.)

Robert TREVINO Jr. (1))
Fermin RUBIO (2))

Case No. A11-m-948 9

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 20, 2011 in the county of Hays in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 8 USC 1324(a)(1)(A)(ii)

Offense Description

Knowingly, conspire and agree with each other, and in reckless disregard of the fact that aliens have come to, entered, and remain in the United States in violation of federal law, transports, or moves, or attempts to transport or move such aliens to wit: Antonio Aboytes-Baylon, Fortino Rodriguez-Baylon, and Octavio Aboytes-Baylon, within the United States by means of transportation.

This criminal complaint is based on these facts:

See Attachment

☒ Continued on the attached sheet.

2. B. 11/10

Complainant's signature

HSI SA Leo Buentello

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/21/2011

Andrew Austin

Judge's signature

City and state: Austin, Texas

United States Magistrate Andrew Austin

Printed name and title

Attachment

On December 20, 2011, Buda Police Department Officer Lysek Lucas observed a white Chevrolet pickup truck with Texas license plate BJ68017 traveling northbound on Interstate Highway 35. Officer Lucas observed that the truck was covered heavily with mud and dust which made the rear license plate not readable. Officer Lucas proceeded to conduct a traffic stop for unclear/obscured license plate and made contact with the driver Fermin RUBIO and front passenger Robert TREVINO. During that time Officer Lucas noticed a person lying in the back seat area of the truck. Officer Lucas received information from RUBIO that the three subjects in the rear of the truck had ordered him to give them a ride to Dallas, Texas.

The Buda Police Department contacted Homeland Security Investigation (HSI) Special Agent Leo Buentello and advised him they had stopped a truck possibly transporting three undocumented illegal aliens. SA Leo Buentello responded to the scene and read TREVINO his Miranda Warning in English which was witnessed by Officer Cheston Thurman. TREVINO stated that he knew he was helping Rubio transport illegal aliens from Carrizo Springs, Texas to Dallas, Texas. Both RUBIO and TREVINO had picked up the illegal aliens at a trailer home and instructed them to lie down in the rear passenger area of the truck. TREVINO did not know how much he was going to get paid because RUBIO was the one handling the negotiations. SA Leo Buentello read RUBIO his Miranda Warning in English and RUBIO declined to make a statement.

SA Leo Buentello interviewed the three back seat passengers identified as Antonio Aboytes-Baylon, Fortino Rodriguez-Baylon, and Octavio Aboytes-Baylon. SA Leo Buentello determined all three subjects were undocumented illegal aliens from Mexico. Fortino Rodriguez-Baylon stated that they were going to pay \$100 a piece to transport them to Dallas, Texas.